

2023 SENATE INDUSTRY AND BUSINESS

SB 2214

2023 SENATE STANDING COMMITTEE MINUTES

Industry and Business Committee Fort Union Room, State Capitol

SB 2214
1/24/2023

A bill relating to the exclusions from the term employee.

11:19 AM Chairman D. Larsen called the meeting to order. Members present: Chairman D. Larsen, Vice Chairman Kessel, Senator Barta, Senator Klein, Senator Boehm.

Discussion Topics:

- Professional sports team insurance
- Bismarck Bucks
- Workforce Safety & Insurance
- Economic impact

11:19 AM **Senator Magrum** introduced SB 2214 and testified in favor. #16373

11:22 AM **Greg Schuh, General Manager, Bismarck Bucks**, testified in favor of SB 2214. #15452

11:48 AM **Heidi Ripplinger, Vice President of Operations, Bismarck Bucks Sports Team**, testified in favor of SB 2214. #15452

11:55 AM **Ann Green, Director of Legal Services, Workforce Safety and Insurance**, testified opposed to SB 2214. #15587

12:13 PM **Russ Hanson, Association of General Contractors** testified in opposition to SB 2214. (verbal)

12:14 PM **Andrea Pfennig, Greater North Dakota Chamber**, testified in opposition to SB 2214. #16383

12:16 PM **Chairman D. Larsen** closed the hearing on SB 2214.

12:16 PM **Chairman D. Larsen** adjourned the meeting.

Brenda Cook, Committee Clerk

2023 SENATE STANDING COMMITTEE MINUTES

Industry and Business Committee Fort Union Room, State Capitol

SB 2214
1/24/2023

Relating to the exclusions from the term employee.

3:20 PM Chairman D. Larsen opened the meeting. Members present: Chairman D. Larsen, Vice Chairman Kessel, Senators Barta, Klein, and Boehm.

Discussion Topics:

- Professional contact sports
- Policy negotiations
- Premiums
- Financial obligations

After committee discussion, committee members agree they need further information before they can act on the bill.

3:35 PM Chairman Larsen adjourned the meeting.

Brenda Cook, Committee Clerk

2023 SENATE STANDING COMMITTEE MINUTES

Industry and Business Committee Fort Union Room, State Capitol

SB 2214
1/25/2023

Relating to the exclusions from the term employee.

10:09 AM Chairman D. Larsen opened the meeting. Members present: Chairman D. Larsen, Vice Chairman Kessel, Senators Barta, Klein, and Boehm.

Discussion Topics:

- Contact sports
- Restrictions
- Collision sports v Contact sports

10:10 AM Chairman Larsen would like to add proposed amendments that include a 4-year sunset clause and restrict to hockey and football. (#26982)

10:16 AM Chairman Larsen closed the meeting on SB 2214.

Brenda Cook, Committee Clerk

2023 SENATE STANDING COMMITTEE MINUTES

Industry and Business Committee Fort Union Room, State Capitol

SB 2214
1/25/2023

A bill relating to the exclusions from the term employee.

2:56 PM Chairman D. Larsen called the meeting to order. Members present: Chairman D. Larsen, Vice Chairman Kessel, Senator Barta, Senator Klein, Senator Boehm.

Discussion Topics:

- Professional sports team insurance
- Committee action

2:58 PM Heidi Ripplinger, Dakota Pro-Football, clarified statements for the committee.

3:08 PM Senator Klein moved to adopt the amendment to SB 2214. LC 23.0618.01001

3:08 PM Senator Barta seconded the motion to adopt the amendment to SB 2214.
LC 23.0618.01001

Roll call vote.

Senators	Vote
Senator Doug Larsen	Y
Senator Greg Kessel	Y
Senator Jeff Barta	Y
Senator Keith Boehm	Y
Senator Jerry Klein	Y

Motion Passed: 5-0-0 to Adopt the Amendment.

3:09 PM Senator Klein moved DO PASS as amended SB 2214.

3:09 PM Senator Barta seconded the motion to DO PASS as amended SB 2214.

Roll call vote.

Senators	Vote
Senator Doug Larsen	Y
Senator Greg Kessel	Y
Senator Jeff Barta	Y
Senator Keith Boehm	Y
Senator Jerry Klein	Y

Motion Passed: 5-0-0 DO PASS AS AMENDED.

Senator Barta will carry the bill.

3:10 PM Chairman D. Larsen adjourned the meeting.

Brenda Cook, Committee Clerk

January 25, 2023

PROPOSED AMENDMENTS TO SENATE BILL NO. 2214

Page 1, line 10, replace the first underscored comma with "and"

Page 1, line 10, remove ", roller derby, rugby, lacrosse, wrestling, and"

Page 1, line 11, remove "boxing"

Page 1, after line 11, insert:

"SECTION 2. EFFECTIVE DATE. This Act is effective through August 31, 2028,
and after that date is ineffective."

Renumber accordingly

DR
171
1-25-2023

REPORT OF STANDING COMMITTEE

SB 2214: Industry and Business Committee (Sen. Larsen, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2214 was placed on the Sixth order on the calendar. This bill does not affect workforce development.

Page 1, line 10, replace the first underscored comma with " and"

Page 1, line 10, remove ", roller derby, rugby, lacrosse, wrestling, and"

Page 1, line 11, remove "boxing"

Page 1, after line 11, insert:

"SECTION 2. EFFECTIVE DATE. This Act is effective through August 31, 2028, and after that date is ineffective."

Re-number accordingly

2023 HOUSE INDUSTRY, BUSINESS AND LABOR

SB 2214

2023 HOUSE STANDING COMMITTEE MINUTES

Industry, Business and Labor Committee Room JW327C, State Capitol

SB 2214
3/7/2023

Relating to the exclusions from the term employee.

Chairman Louser called meeting to order 3:03 PM

Members Present: Chairman Louser, Vice Chairman Ostlie, Representatives Boschee, Christy, Dakane, Johnson, Kasper, Koppelman, Ruby, Schauer, Thomas, Tveit, Wagner, Warrey.

Discussion Topics:

- Dakota Pro Football (IFL)
- Football and Hockey Athletes Medical Insurance
- BEK Sports Network
- League Mandated Program Insurance
- League Mandated by Open Marketplace Insurance
- State Mandated Workers Compensation Insurance Plan
- ND Athletes seek Medical Insurance
- Medical Premium Comparisons

In Favor:

Senator Jeff Magrum, District 8, Hazelton ND, Primary bill sponsor, (no written testimony) Gregory Schuh, General Manager, Bismarck Bucks Football, #22033
Heidi Ripplinger, Vice President of Operations, Bismarck Bucks Football, continued testimony, #22033
Derrick Bulawa, BEK Communications CEO and owner of Bismarck Bucks (no written testimony)

Neutral:

Anne Green, Director of Legal Services, Workforce Safety & Insurance, #22437

Representative Schauer moved a do pass.
Representative Koppelman seconded.

Roll call vote:

Representatives	Vote
Representative Scott Louser	Y
Representative Mitch Ostlie	Y
Representative Josh Boschee	Y
Representative Josh Christy	Y
Representative Hamida Dakane	Y

Representative Jorin Johnson	Y
Representative Jim Kasper	AB
Representative Ben Koppelman	Y
Representative Dan Ruby	Y
Representative Austen Schauer	Y
Representative Paul J. Thomas	Y
Representative Bill Tveit	Y
Representative Scott Wagner	Y
Representative Jonathan Warrey	Y

Motion passed 13-0-1

Representative Christy will carry the bill.

Chairman Louser adjourned the meeting 3:56 PM

Diane Lillis, Committee Clerk

REPORT OF STANDING COMMITTEE

SB 2214, as engrossed: Industry, Business and Labor Committee (Rep. Louser, Chairman) recommends DO PASS (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2214 was placed on the Fourteenth order on the calendar.

TESTIMONY

SB 2214

DAKOTA PRO FOOTBALL

Bismarck Bucks

SB2214



SPORTS

We have more collegiate championship titles than any other state in football and hockey, yet we have NO professional sports franchises in either sport.



Former Professional Sports in North Dakota Defunct or Relocated

- ❖ Bismarck Bulls (hockey) 92-93
- ❖ Fargo-Moorhead Beez (basketball) 95-02
- ❖ Dakota Wizards (basketball) 95-12
- ❖ Magic City Snow Bears (basketball) 96-02
- ❖ Bismarck Blaze (football) 99-00
- ❖ Bismarck Roughriders (football) 02-03
- ❖ Fargo-Moorhead Jets (hockey) 03-08
- ❖ Minot SkyRockets (basketball) 05-09
- ❖ FC Fargo (soccer) 15-16
- ❖ Bismarck Bucks (football) 2016-22

Leadership

Greg Schuh

General Manager

- ❖ Worked in professional sports management since 1998
- ❖ Managed both professional hockey and football
- ❖ Has worked in over 100 venues throughout the country
- ❖ Responsible for team safety and medical management

Heidi Ripplinger

Vice President of Operations

- ❖ Worked with the Bismarck Bucks since 2019 Season
- ❖ Nominated for Executive of the Year
- ❖ Member of the Board of Directors for the IFL
- ❖ Served on the Executive Board for the IFL



WHO WE ARE: Bismarck Bucks



- ❖ Inaugural Season: 2017
- ❖ Members of the Indoor Football League (IFL)
- ❖ We are solely owned by BEK Communications Cooperative since June 2019. BEK is 70-year-old North Dakota Cooperative.
- ❖ We make a positive impact in local communities by providing family-friendly sports entertainment.
- ❖ We have had over 120,000 in-venue spectators since 2017.
- ❖ All 16 games are broadcast LIVE on BEK Sports Network, local cable, satellite and over-the-air with 8 home games held at the Bismarck Event Center.



PROFESSIONAL FOOTBALL TEAMS

NFL	32 teams
XFL	8 teams
USFL	8 teams
IFL CIF NAL	31 teams

79 TEAMS

Medical & Workers Compensation

Professional Team Options – **EXCEPT** for North Dakota

- ❖ League Mandated Program
- ❖ Open Marketplace Healthcare Providers
- ❖ Cash / Barter Partnerships
 - ❖ Without exemption, healthcare providers are prohibited
- ❖ State Mandated Workers Comp Program
 - ❖ Exempting Professional Athletes

State Mandated Workers Compensation language

- ❖ **Wyoming:** Wyoming excludes professional athletes from its definition of employee however the state requires that professional teams retain *private insurance coverage* for any work-related disabilities.

WY ST § 27-14-102(a)(vii)(F) 2014

- ❖ **Ohio:** **Elective Coverage.** Allows professional sports teams to elect to cover any work-related injuries through the states workers compensation system **OR** through private insurance coverage. Teams must submit evidence of external coverage in order to avoid coverage through the state's mandated workers' compensation system.

OH ST § 4123.54(K) 2014

- ❖ **Washington:** Professional and semi-professional athletic teams who regularly play games outside of the state are to complete a *Sport Player Coverage Agreement* designating the insurance carrier or state providing coverage.

WA Employers Guide to Workers Compensation:

Publication F101-002-000 09-2016

IFL Safety & Medical Standards

IFL Requires:

- ❖ General Liability Policy
- ❖ Workers Compensation Insurance
- ❖ Medical Coverage
 - ❖ General Manager certifies compliance with the IFL Medical Procedures and Controls
 - ❖ Annual Certification of Player Equipment following the NOCSAE certification process
 - ❖ Certified Athletic Trainer must be present at all practices and games
 - ❖ Mandatory compliance using the NFL Concussion Protocol - ImPACT Baseline Assessment
 - ❖ Mandatory Pre-participation and Post season Physical Exam
 - ❖ On-field Injury Evaluation and Treatment
 - ❖ Field Safety Standards
 - ❖ Certified by General Manager
 - ❖ Trained EMT Services present for all games
 - ❖ Safety standards confirmed by 5 Certified IFL Officials prior to each game

Bucks ND WSI Timeline

11.2021

Step 1 Annual Review

- ❖ Each year prior to the season our organization meets with WSI staff to review the previous and upcoming seasons.
- ❖ Annual review resulted in the Bucks being notified premiums will increase from \$31,931 to \$484,552.

4.2022

Step 2 Find a solution

- ❖ For the past year we have spoken to WSI about finding a solution to the rate structure which makes it impossible for the Bucks to operate in ND. In the Fall of 2022 WSI suggested we present the issues to their Board with the understanding they could provide an exception.

10.2022

Step 3 WSI Presentation

- ❖ Presented why the current model in place does not work for Dakota Pro Football as well as any professional sports team in North Dakota. We asked for an exemption on Medical and Rehab and to utilize state long-term disability.
- ❖ WSI Board said they could not provide an exception and were merely an advisory Board. They suggested any changes would need to be pursued through legislation

12.2022

Step 4 Determination

- ❖ Our attorney met with the attorney for WSI to draft appropriate language and determine a suitable section for the change.

01.2023

Step 5 Bill Presentation SB2214

- ❖ Bill ONLY targets a very small employer classification, professional sports athlete.
- ❖ Passing this bill remedies the structural impediment facing all professional sports.
- ❖ SB2214 addresses a team's inability to manage/reduce the medical costs portion of insurance and its inability to manage the excessive use and benefits by professional athletes after they leave North Dakota.

SB2214 Enables market coverage for pro-athletes

- ❖ The league **REQUIRES** professional athletes have coverage.
- ❖ **WE NEED** the ability to go to the open market to solve this issue.
- ❖ **WE NEED** to have the ability to meet the coverage obligations of our players.



- ❖ **SB2214** allows us the freedom to choose, in an open market, the coverage necessary to protect our professional athletes and manage their care after they leave North Dakota.

Bismarck Bucks: Economic Impact

Public & Private Partnership REACH

- 124 Businesses in ND**

Direct Economic Activity
\$780,000 annually

Indirect Economic Activity
\$445,000 annually

Total Economic Impact
\$1,225,000 Annually

Meals, hotels, air & bus transportation, team housing, facilities, game day costs, equipment, media & advertising, staff, player and game day payroll

Bismarck Bucks: Community Benefits

Faith and Community Outreach – 67 Organizations

- ❖ Family Entertainment
- ❖ Community Pride
- ❖ Mentorship e.g. Kids & Youth Camps
- ❖ Tourism
- ❖ Professional Sports is an Important Mechanism to Promote Equity and Inclusion
- ❖ Regardless of Socioeconomic background, Race, Religion, Language, etc.
- ❖ Mission is Centered Around Providing Opportunities For Youth

SB2214 is a modification to the current Workforce Safety Insurance program.

In its' current state, WSI's current requirements create an unintentional structural impediment that prohibits the development of any professional contact sport in North Dakota.

- ❖ Professional contact sports with significant intentional physical contact between athletes are a unique form of employment.
- ❖ All professional sports leagues require their teams have acceptable minimum standards of medical and worker's compensation insurance policies in place prior to each playing season.
- ❖ North Dakota is the ONLY state in the country that does not allow an alternative to the State Mandated plan for athletes of professional contact sports.
- ❖ Currently, every level of injury (from a bruised forearm to a torn ACL) has to go through the same fixed medical & claims procedures. This system is not workable for professional contact sports.
- ❖ Having professional sports teams in North Dakota creates positive economic impact.
- ❖ Professional sports teams provide immeasurable benefits and value to children and adults in our communities.
- ❖ If SB2214 is enacted, professional sports teams in North Dakota will continue to provide athletes (employees) with exceptional medical care and rehabilitation with the goal to have them back in the workforce through medical clearance or transitional duty.






























FURRY FRIENDS
rescue









2023 SB No. 2214
Testimony before the Senate IB Committee
Presented by Anne Green, Workforce Safety and Insurance
Date: January 24, 2023

Mr. Chairman and Members of the Committee: My name is Anne Green, Director of Legal Services with Workforce Safety & Insurance (WSI). I am here today to provide testimony regarding SB No. 2214. The WSI Board of Directors unanimously opposed this bill.

SB 2214 adds an exemption to the definition of employee and removes athletes participating in a contact sport from their employer's obligation to cover them for workplace injuries. Under this proposed bill, sports organizations involved in contact sports would only be required to maintain workers' compensation coverage on their non-athlete personnel; coaches, trainers and office staff.

With limited exceptions, North Dakota employers are required to carry workers' compensation coverage through WSI. The legislature has exempted some workers by excluding them from the definition of "employee": real estate brokers, members of boards of directors not employed by the businesses they serve, newspaper delivery workers, owners of businesses and their children under age 22. The definition of "hazardous employment" also excludes agricultural workers, railroads, certain transporters, domestic employees and members of the clergy. The last class of workers removed from protection under the Workers Compensation Act was in 1997 where the age of a child who could be excluded was raised from 18 to 22.

In addition to medical coverage for workplace injuries, WSI provides wage replacement benefits, permanent partial impairment benefits and retraining opportunities. Workers' compensation claims, from an insurance perspective, have a long tail. That means the obligation of the payor/insurer could extend for decades. WSI has claims in which we continue to pay benefits from 1960. The exposure on any given claim could be minimal, a few medical appointments, to millions of dollars.

WSI remains the exclusive insurer in North Dakota, meaning all North Dakota employers must purchase workers' compensation coverage from WSI. WSI is one of four remaining monopolistic funds in the country. Again in 2022, WSI secured its position as the workers' compensation insurer with the lowest premiums in the country, while maintaining a solid benefit package.

In addition, workplace injury claims in North Dakota have decreased over 30% in the past decade. Our focus on safety discount programs, grant programs, and education programs, combined with our nurse case management and return to work programs have proven to be effective resources for employers who take advantage of these programs.

The bill before you today excludes from workers' compensation benefits professional athletes who are engaged in "contact sports." Other states have addressed similar exclusions. Of the 50 states and 10 Canadian Provinces, 9 jurisdictions exclude or limit the coverage required for professional or semi-professional athletes. For example, Nevada does not require sports team to cover their players for workers' compensation purposes while Alaska exempts coverage for players but requires their employer to provide medical coverage for both work related and non-work related injuries.

WSI's core purpose, a foundational element of our strategic plan, is to care for injured workers. The workers affected by SB 2214 are young athletes pursuing a career in professional sports. By

definition, physical risk-taking is a part of the job. The exclusion of athletes whose primary job duty is to engage in physical altercation is at odds with WSI's mission of caring for injured workers.

Lastly, exemptions from workers' compensation coverage have been sparingly provided by the legislature over the past 100+ years. The precedent set by this proposed legislation is of real concern.

This concludes my testimony. I am happy to answer any questions at this time.



North Dakota Senate

STATE CAPITOL
600 EAST BOULEVARD
BISMARCK, ND 58505-0360



Senator Jeffery J. Magrum

District 8
P.O. Box 467
Hazelton, ND 58544-0467
C: 701-321-2224
jmagrum@ndlegis.gov

COMMITTEES:
Finance and Taxation
Energy and Natural Resources

01/24/2023

Good morning, Chairman Larsen and committee Members.

For the record I am Senator Jeff Magrum. I stand before you to introduce SB2214.

SB2214 is a simple bill which intends to allow Professional sports teams to use the open marketplace to obtain Workers Compensation and medical coverage.

SB 2214 allows professional sports teams to have partnerships with their medical providers which currently is prohibited.

Professional sports teams today have a keen understanding of the insurance coverage necessary for the professional athlete in high contact, high risk sport.

Indoor Football teams and Leagues have been operating since 1987.

I would like the questions to go to the folks behind me but if necessary I will stand for questions.

I respectfully ask for a do pass on SB2214

Thank you.



GREATER NORTH DAKOTA CHAMBER
SB 2214
Senate Industry & Business Committee
Chairman Doug Larsen
January 22, 2023

Mr. Chairman and members of the Committee, my name is Andrea Pfennig with the Greater North Dakota Chamber. GNDC is North Dakota's largest statewide business advocacy organization, with membership represented by small and large businesses, local chambers, and trade and industry associations across the state. We stand in **opposition** of Senate Bill 2214.

SB 2214 would exclude athletes participating in a contact sport from WSI. It is important to our members that we maintain North Dakota's current workers compensation and unemployment insurance programs to meet business needs.

We feel that WSI works well. One of the factors that makes the system strong is the number of businesses that participate. Our concern is that this proposed exclusion would weaken the system and impact other employers in North Dakota. Additionally, if this exclusion is granted, other industries may also request exemptions, which would further weaken the system.

We urge a Do Not Pass recommendation on SB 2214.

DAKOTA PRO FOOTBALL
Bismarck Bucks
SB2214 amended



SPORTS

We have more collegiate championship titles than any other state in football and hockey, yet we have NO professional sports franchises in either sport.



Leadership

Greg Schuh

General Manager

- ❖ Worked in professional sports management since 1998
- ❖ Managed both professional hockey and football
- ❖ Has worked in over 100 venues throughout the country
- ❖ Responsible for team safety and medical management

Heidi Ripplinger

Vice President of Operations

- ❖ Worked with the Bismarck Bucks since 2019 Season
- ❖ Nominated for Executive of the Year
- ❖ Member of the Board of Directors for the IFL
- ❖ Served on the Executive Board for the IFL



WHO WE ARE: Bismarck Bucks



- ❖ Inaugural Season: 2017
- ❖ Members of the Indoor Football League (IFL)
- ❖ We are solely owned by BEK Communications Cooperative since June 2019. BEK is 70-year-old North Dakota Cooperative.
- ❖ We make a positive impact in local communities by providing family-friendly sports entertainment.
- ❖ We have had over 120,000 in-venue spectators since 2017.
- ❖ All 16 games are broadcast LIVE on BEK Sports Network, local cable, satellite and over-the-air with 8 home games held at the Bismarck Event Center.



PROFESSIONAL FOOTBALL TEAMS

NFL 32 teams

XFL 8 teams

USFL 8 teams

IFL | CIF | NAL 31 teams

79 TEAMS

Medical Coverage & Workers Compensation

All Professional Football Leagues REQUIRE Insurance

Coverage Options

1. League mandated program
2. League mandated coverage via open marketplace
3. State mandated workers compensation program
 - ❖ Exempting Professional Athletes

North Dakota law prohibits all 3 coverage options.

Our Plan: Option 3

- ❖ **State Mandated Workers Compensation Program**

- with professional athlete exemption

- ❖ **Partnerships**

- allows us to manage our premium and to manage medical, surgical, and rehabilitation expenses

Amended SB 2214

- ❖ ONLY applies to professional athletes not office staff.
- ❖ 4-year sunset provides an opportunity to pilot the program.
- ❖ The IFL REQUIRES professional athletes have coverage.

- ❖ SB2214 allows us to get market-based coverage and use partnerships to manage medical, surgical, and rehabilitation expenses.

- ❖ We would appreciate your support and a DO PASS.

Bucks ND WSI Timeline

11.2021

Step 1 Annual Review

- ❖ Each year prior to the season our organization meets with WSI staff to review the previous and upcoming seasons.
- ❖ Annual review resulted in the Bucks being notified premiums will increase from \$31,931 to \$484,552.

4.2022

Step 2 Find a solution

- ❖ For the past year we have spoken to WSI about finding a solution to the rate structure. In the Fall of 2022 WSI suggested we present the issues to their Board with the understanding they could provide an exception.

10.2022

Step 3 WSI Presentation

- ❖ We presented why the current model in place does not work for Dakota Pro Football LLC as well as any professional sports team in North Dakota.
- ❖ WSI Board stated an exception requires legislative review and approval.

12.2022

Step 4 Determination

- ❖ Our attorney met with the attorney for WSI to draft appropriate language and determine a suitable section for the change.

01.2023

Step 5 SB 2214 Bill Testimony & Vote

- ❖ Presented in Senate Industry and Business Committee.
- ❖ Passed 5-0 with Amendments
- ❖ Amendments include sunset clause and 2 sport classification ONLY (football and hockey).
- ❖ Full Senate vote passed with amendments 47-0 .

03.2023

Step 6 House Testimony

- ❖ In collaboration with ND WSI and the Senate Industry & Business Committee, amended bill to be presented which ONLY targets a unique, select group in the employee classification code and provides a 4-year sunset.

Bismarck Bucks: Economic Impact

Public & Private Partnership REACH

- 124 Businesses in ND

Direct Economic Activity
\$780,000 annually

Indirect Economic Activity
\$445,000 annually

Total Economic Impact
\$1,225,000 Annually

Meals, hotels, air & bus transportation, team housing, facilities, game day costs, equipment, media & advertising, staff, player and game day payroll

Bismarck Bucks: Community Benefits

Faith and Community Outreach – 67 Organizations

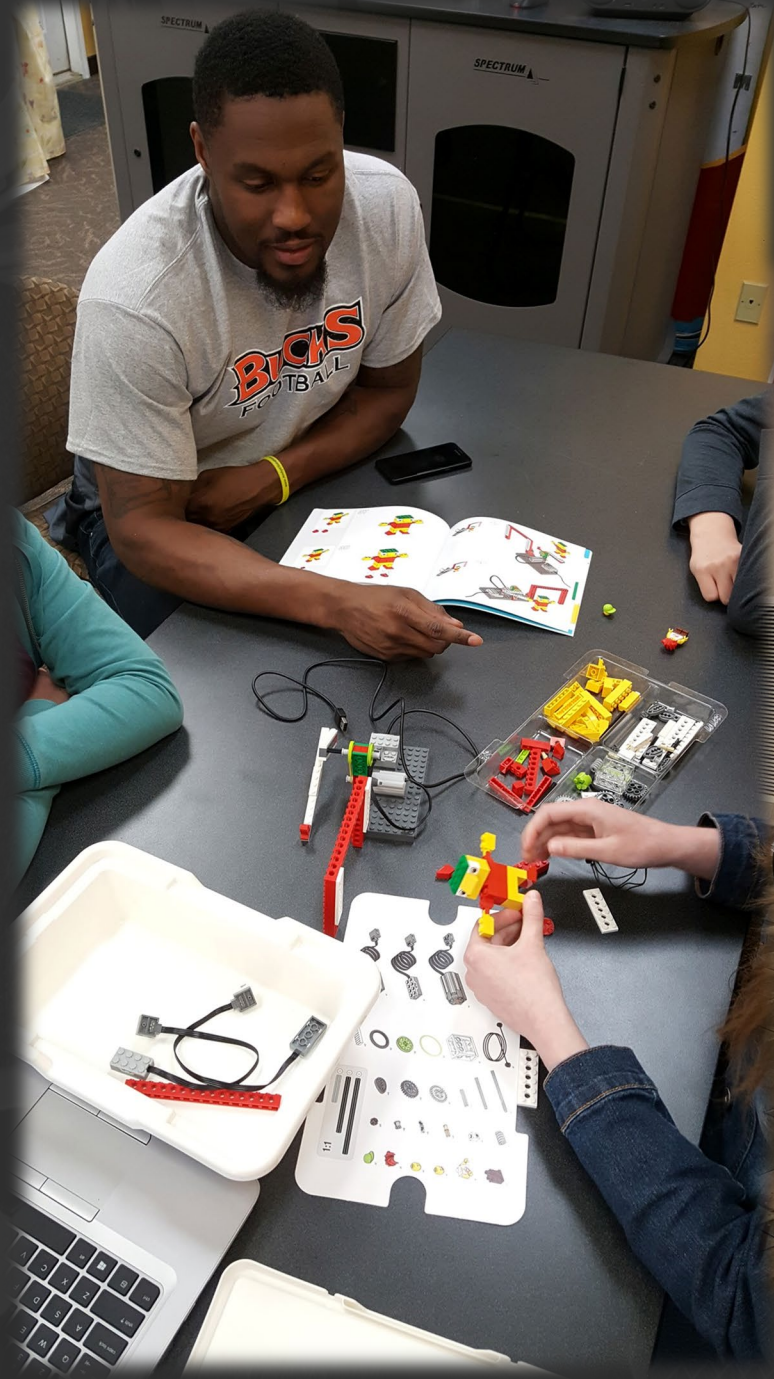
- ❖ Family Entertainment
- ❖ Community Pride
- ❖ Mentorship e.g. Kids & Youth Camps
- ❖ Tourism
- ❖ Professional Sports is an Important Mechanism to Promote Equity and Inclusion
- ❖ Regardless of Socioeconomic background, Race, Religion, Language, etc.
- ❖ Mission is Centered Around Providing Opportunities For Youth




























FURRY FRIENDS
rescue









2023 Engrossed Senate Bill No. 2214
Testimony before the House IB & L Committee
Presented by Anne Jorgenson Green, Workforce Safety and Insurance
Date: March 7, 2023

Mr. Chairman and Members of the Committee: My name is Anne Green, Director of Legal Services with Workforce Safety & Insurance (WSI). I am here today to provide testimony regarding Engrossed SB No. 2214. The WSI Board of Directors is neutral on this bill.

Engrossed SB 2214 removes an employer's obligation to cover professional athletes playing football and hockey through WSI. Employers in this industry are still required to maintain workers' compensation coverage on their non-athlete personnel: coaches, trainers and office staff.

With limited exceptions, North Dakota employers are required to carry workers' compensation coverage through WSI. Exemptions from workers' compensation coverage have been sparingly passed by the legislature over the last 100+ years. The legislature has exempted some workers by excluding them from the definition of "employee": real estate brokers, members of boards of directors not employed by the businesses they serve, newspaper delivery workers, owners of businesses and their children under age 22. The definition of "hazardous employment" excludes agricultural workers, railroads, certain transporters, domestic employees and members of the clergy. The last class of workers removed from protection under the Workers Compensation Act was in 1997 where the age of a child who could be excluded was raised from 18 to 22.

WSI's core purpose, a foundational element of our strategic plan, is to care for injured workers. The workers affected by SB 2214 are young athletes pursuing their dream of a career in professional sports. By definition, physical risk-taking is a part of the job. The exclusion of athletes whose primary job duty is to engage in physical altercation is philosophically at odds with WSI's mission of caring for injured workers. As a result, the WSI Board of Directors opposed the bill in its original form.

Advocates of this proposed legislation indicate that alternative coverage will be provided to the players. While the scope, length and value of that coverage have not been specified, the proponents of the bill have represented players injured playing contact football will receive appropriate medical care.

While the exclusion of any worker at risk for serious injury remains a concern for WSI, the bill's scope was narrowed in the House to only exclude coverage for athletes in professional football and hockey. In addition, a sunset clause was included to allow re-evaluation of this exclusion. These changes allowed for WSI's Board of Directors to take a neutral stance on this bill.

This concludes my testimony. I am happy to answer any questions at this time.

23.0618.01001
Title.02000

Adopted by the Senate Industry and Business
Committee

January 25, 2023

PROPOSED AMENDMENTS TO SENATE BILL NO. 2214

Page 1, line 10, replace the first underscored comma with "and"

Page 1, line 10, remove ", roller derby, rugby, lacrosse, wrestling, and"

Page 1, line 11, remove "boxing"

Page 1, after line 11, insert:

"SECTION 2. EFFECTIVE DATE. This Act is effective through August 31, 2028,
and after that date is ineffective."

Re-number accordingly